

104TH CONGRESS  
2D SESSION

# S. 1659

To declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 29, 1996

Mr. MOYNIHAN (for himself and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DECLARATION OF NONNAVIGABILITY FOR POR-**  
4 **TION OF QUEENS COUNTY, NEW YORK.**

5 (a) DESCRIPTION OF NONNAVIGABLE AREA.—Sub-  
6 ject to subsections (b) and (c), that portion of Long Island  
7 City, Queens County, New York, which is not submerged  
8 and lies between the existing southerly high water line of  
9 Anable Basin (also known as the 11th Street Basin) and

1 the existing northerly high water line of Newtown Creek  
 2 and extends from the existing high water line of the East  
 3 River to the original high water line of the East River  
 4 is declared to be nonnavigable waters of the United States.

5 (b) REQUIREMENT THAT AREAS BE IMPROVED.—

6 (1) IN GENERAL.—The declaration of  
 7 nonnavigability under subsection (a) shall apply only  
 8 to those portions of the areas described in subsection  
 9 (a) that are or will be bulkhead, filled, or otherwise  
 10 occupied by permanent structures or other perma-  
 11 nent physical improvements (including parklands).

12 (2) APPLICABILITY OF FEDERAL LAW.—The  
 13 work to meet the requirements of paragraph (1)  
 14 shall be subject to applicable Federal laws, includ-  
 15 ing—

16 (A) sections 9 and 10 of the Act of March  
 17 3, 1899, commonly known as the Rivers and  
 18 Harbors Appropriation Act of 1899 (33 U.S.C.  
 19 401 and 403);

20 (B) section 404 of the Federal Water Pol-  
 21 lution Control Act (33 U.S.C. 1344); and

22 (C) the National Environmental Policy Act  
 23 of 1969 (43 U.S.C. 4321 et seq.).

24 (c) EXPIRATION DATE.—The declaration of  
 25 nonnavigability under subsection (a) shall expire with re-

1 spect to a portion of an area described in subsection (b),  
2 if that portion—

3           (1) is not filled or otherwise occupied by a per-  
4           manent structure or other permanent physical im-  
5           provement (including parkland) in accordance with  
6           subsection (b) by the date that is 20 years after the  
7           date of enactment of this Act; or

8           (2) requires work described in subsection (b)(2)  
9           that is subject to a permit under an applicable Fed-  
10          eral law, and that work is not commenced by the  
11          date that is 5 years after the date of issuance of  
12          that permit.

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